Present

App. F. IX-4

1933.
(Mazrai)

File No. 268 - 33
Serial Nos. 1-8

Previous References
File 282-10-4-10
219 141-24
15-08-1-6
Later References:-
321-20-1-8

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 8

Part B for June 35

SUBJECT.

Appeal re the lease of the inam lands
S no 12 + 13 of Kolekere village enjoyed by
Venkataramana Swami temple at Melige
Thirthahalli Tk

To Kunta valli Gopalaiya
Kuntavalli Mathur Hobli
Thirthahalli Tk.

K 18

WD 01965—GPB—15,000—7-7-34 no 1665 - dt. 17-6-35

State that there are no reasons to alter
the order of the Mazrai

Mzg Appl No 35 of 34 re: the Sale of the lease of Dn and lands of Sri Venkataramana Swami temple at Melige Tirthahalli TK S Nos 12 & 13 of Kolambe village.

General and Revenue Secretariat

Mzg File No. 268 of 193 3

[App. F. III—2

Serial No.

Petition dy 12-5-34 filed by Sri M. Narayana Rao Advocate Bangalore city on behalf of his client Naga Bhatta of Sringeri appealing against the orders of the Mzg Commissioner D. Dis 165/33-34 & 27-1-34. Sanctioning the lease sale of lands specified therein in public auction for a period of 10 years with an initial bid of Rs 450/- offered by Naga bhatta nephew of the previous lessee.

1) The ch[illegible] has [illegible] the [illegible] of [illegible] for a period of 30 yrs [illegible] rent of Rs 450/-

2) He further prays that the orders of the Mzg. Comr. be stayed pending disposal of his [illegible]

A | 3) [illegible] orders it is [illegible] be done [illegible] records called for

B | 4) [illegible] necessary [illegible] a [illegible]

A decision may be called for

OFFICE OF THE SECOND MEMBER OF COUNCIL
31 MAY 1934
No.

NOTE—Contn Sheet

WD 0434—GPB—15 000—12-10-33

2nd Mzg
30/5-

File No. 268 of 1933 | General and Revenu Secretariat

Memo for initial portal of the P.H. is for him Signature -

Serial No. 2

TYPING SECTION
5. JUN. 1934
GENL & REV S

Petition sent to M.C with 1617 of 6-6-34 for submission of records

No. 1618 of 6/6/34 to the Advocate of the petitioner intimating that a separate petition duly stamped is necessary for the Stay order prayed for.

Memo No 1619 of 6/6/34 to the Nagaphatta residing at Srirangam

Petition of 14.6.1934 filed by Mr G. Srinivasa Rao Advocate on behalf of his client Kuntavalli Gopalaiah of Kuntavalli, Muttur Hobli Tirthahalli Taluk stating that in respect of S.Nos 12 and 13 referred to therein the alleged bid of Rs 450/- offered by the Naga Bhatta is only for purpose of unhealthy Competition and out of ill-feelings between himself and the appellant and to mislead him about the value of the land and praying that the order of the Mysore Commissioner be set aside and the lands be given him for a long lease at Rs 275/- p.a.

1345

Serial No.

11) The present petition — Kantaiah.
is on the same subject as that
of Nagabhatla which was
already been sent to M.C. for submission of
the connected records. If agd. The R.D.
note also be sent to M.C. for favour of report
in continuation —
12) Sent for asked
22/6 Sm
30
Gl Secy)

13) 30/6/34

14) 7/7

15) Memo on the petition to perukh.
10/7 no.

16) 12/7

5 — Petition sent to Mly Comr with no 45 of 13-7-34
Letter no 1554/33.34 of 22-8-1934 from
The Muzrai Commissioner forwarding records
connected with the petition of Nagabhatla
of Tirthahalli re: lease of S.Nos 12 and 18 of Holakere
Village belonging to Sri Venkataramana
Swamie temple at Melige. Sir Thahalli Tq
and stating that the circumstances in
which the lands were agreed to be leased

NOTE—Contn Sheet

WD 0431—GPB—15,000—12-10-33

endorsed V
Religio - Jitkahalli Tk.

File No. of 193 .

General Secr

Serial No.

in public interest are in Deputy Commissioner's
letter no Mzg 1. C. 1675 dy 5-1-34. x A

The facts of the case are detailed in
the Deputy Comm's report no 1675 dy 5/1/34 A.
wherein he has sought orders for a fresh lease sale
of the S. No. 12 and 13 of the
belonging to Sri Venkatesa ammana Swamy
temple at Nidi.
This was sanctioned by me in his order
dy 27.1.34 x B.

It is against the D.C's order
that an appeal involving before Govt.
The petitioner is no doubt not heard in
the lower Court & the report contained
in para 4 of the D.C's letter of 5-1-34 x A
is neither in his favour.

The order of the Govt may be passed
for hearing.

GV
MG

Please put up a note
as instructed
28/9/34

The delay in the
disposal of this is
unavoidable pressing
the Civil
Disobedience
Movement

Noted for Friday
Sep next
GV 29.4.35

No 350 of 33-34

The lease of inam lands
Venkataramana Swamy Temples
at Melige. Tirthahalli Tk.

eral and Revenue Secretariat | File No. | of 193 | [App. F. III-

Serial No.

21 Government in their order No.321/Muz.289-10-9 dated 1st August 1913 sanctioned the lease of Survey Nos.12 & 19 of Kallakere village-Tirthahalli Taluk belonging to Sri Venkataramana Devaru temple at Melige to one Bhishta Bhatta of Tirthahalli for a period of 20 years on an annual rental of Rs.27o/- inclusive of the Government dues payable thereon; it was also ordered that the lease might be renewed to the petitioner (viz Bhishta Bhatta) for another period afterwards but that the garden and other lands belonging to the temples should not on principle be given out for long periods or on mulageni.

22 Later on, Bhishta Bhatta filed a review petition claiming mulageni muk which was rejected in this office order No.1779/Muz.319-14-4 dated 8-9-15. After the demise of Bhishta Batta, his nephew, Raga Bhatta the present petitioner, residing at Sringeri sub-leased the lands for 65 Maunds of areca per annum to Kunjavalli Manjappaiya, Gopalaiya and Seshagiriah, who are all brothers and members of an undivided family, of whom the second is also a petitioner before Government.

23 As the term of lease sanctioned in favour of Bhishta Bhatta was about to expire in July 1933, a fresh sale of the lease right for 10 years was conducted by the Amildar on 5th January 1933 when there were no bids. Thereupon the Amildar submitted

K S

Of 8-5-34 Sri A.G. 27-4-34

NOTE—Contn Sheet

WD 01955—GPB—22,500—12 6-34

report to the Sub Division Officer stating that he inspected the lands and found 2200 areca trees in good condition and an extent of land to plant 1600 trees to be lying banjar. It is also reported that the sub-lessees have agreed to give the some gutta as they were giving to Naga Bhatta viz., 66 Mds. of areca for the 1st 16 years and afterwards 114 Mds. from the 17th year subject to the following conditions :-

(i) that the lease be given to them for a period of 30 years.

(ii) that the Nigate be taken in kind, and not in cash.

(iii) and that a solvent surety be accepted in lieu of the payment of advance of a year's gen.

(iv) that the Udai repairs are done immediately in 10 years at the cost of Government as per custom prevailing in those parts.

As the lease of lands in favour of the three brothers was in the estimation of both the Amildar and the Sub Division Officer beneficial to the Institution, the latter officer submitted a recommendation accordingly to the Deputy Commissioner, & the Deputy Commissioner, Shimoga District upheld the recommendation and sought sanction of the Muzrai Commissioner on 27-4-33. A month after viz., on 2-6-1933 Naga Bhatta petitioned to the Muzrai Commissioner that he may be given an opportunity to present his case, and the petition was referred to the Deputy Commissioner, Shimoga District, pointing out that on principle long term leases of garden lands should not be given.

Serial No.

further he was asked to hear both the parties and send up his recommendation about the future lease of the lands.

A. 25 It is seen from the subsequent report dated 5-1-1954 of the Deputy Commissioner, Shimoga, that the parties have been heard, Naga Bhatta has offered to pay an annual rental of Rs.450/- if the lease is given to him for an additional period of 20 years and agreed to improve the Banjar portion of the lands. As regards this offer, the Amildar is of opinion that it is not acceptable as Naga Bhatta is irregular in payments of rent, which is recovered only after adopting coercive measures, has no attention has been bestowed by him for the improvement of the lands owing to his stay at Sringeri. He therefore recommended the acceptance of the offer of Gopalaiya and his brothers. The Sub Division Officer, having differed from the Amildar, and recommended that the lease sale may be auctioned with the initial bid of Rs.450/- offered by Naga Bhatta and the Deputy Commissioner having agreed in this view, this recommendation was sanctioned by the Muzrai Commissioner on 27-1-

B In the auction sale held accordingly one Mr.D. Venkoba Rao was the highest bidder, his bid being Rs.475/- per annum. One year's quitta amount is reported to have been paid by him in addition to

NOTE—Contn Sheet.

WD 01955—GPB—22 500—12-6-34

to the execution of a mutchalika on the usual terms.

2). The second petitioner (now before Government) is also stated to have been present at the time of the sale but not willing to bid for cash gone.

P.W.D II

-z

Main grounds of appeal by the petitioner Naga Bhatta are as follows :-

(i) That under Govt.order dated 1-8-1916 he is entitled to a further lease of the lands for 20 years.

(ii) That he has spent considerable sum of money for the improvement of the lands.

As regards (i) it may be stated that in the first place Bhishta Bhatta is the lessee under the Govt.order referred to and not the present petitioner. In fact the records contain no bad report of the conduct of the lessee Bhishta Bhatta. It is only after his death, that the lands have been neglected, kattu payments are not made until pressure is brought to bear on the petitioner.

xxxx

x W

As regards (ii) it is seen from what the sub lessees have stated before the Amildar that Naga Bhatta has not incurred any expenditure for ~~the~~ improving the lands and that existing good condition of the garden is the out-come of their own efforts. The Amildar's report after inspection is to the above effect.

As regards Gopalaiya and his brother, the other petitioners, their names appear for the 1st time in the records and excepting the Amildar, no other

Serial No.

other officer has made any recommendation on their behalf. They are, for all purposes, tenants of Naga Bhatta, whose lesseeship is not found desirable by any of the Muzrai officers. Moreover all along only these petitioners have been offering to pay in kind, and have gone the length of keeping back at the auction sale without competing with others.

30 Under the circumst-nces the lease of the lands for a period of 10 years to Mr. Venkoba Rao who is the highest bidder in the lease sale, appears to be advantageous to the institution.

31 The present petitioners' appeal do not seem to have made a good case for themselves.

Cs 24-4-35

32) Orders are solicited as to whether the appeal may be admitted and the case to be posted for hearing

24/4/35

Ch: Secy.)

33) There does not seem to be much of a case but the petitioners may be

SECOND MEMB OF COUNCIL. 29 APR 1935 No 6643

11 March. 29/4/35

34) May be posted

Sm 30/4

RR 1/5/35

NOTE—Contn Sheet

WD 01955—GPI —22 500—12 6-34

10) Muz. appl 20 35 of 33-34
12 & 39 Kelkere Village endowed Sri Venkata
Swami temple. Melige. T. Kundapur Tk

File No. of 193 . General and Secret

2) Re para 34 supra, it is for orders if this may be included in the list of cases posted for a hearing on Saturday the 25th May 1935.

Further it is submitted that notices have to be issued to the petr in P.H.D I ; the petr in P.H.D II is only a tenant under the former trustee if appd no notice have to be issued to him

C. Kundavalli Gopalkrishna
Submitted for orders

G.S. 4/5 — 37) May perhaps be posted to the 29th inst. A few more cases have been posted to on that day. Notice will if appd, may issue to the 1st petrs Mr Nagabhatta only, since the 2nd petr is a tenant under the 1st petr

Subject to the above / 4/5 —

x 3 cases —

CERTIFIED TO BE A TRUE COPY OF THE ORDER PASSED BY A BENCH OF THIS HON'BLE COURT
SECOND MEMBER OF COURT
MAY 1935
No 6935

39) 4/5/35

34 The case was called on Saturday the 25th May 1935 — Mr M. Narayana Rao Advocate for the petitioner Nagabhatta was present.

40) Heard Counsel of the parties.

Order.

I decline to interfere with the order passed

4/5/35

8/5 — 7469 — 20/5 —

5-5-35

Serial No.

Dft. sent —
G.S. 27-5-35 — 43 Jc 2/7/5

7 No. 1597 of 31-5-35 to Mr. M. Narayana Rao Advocate for the petitioner forwarding Copy of the decision in the Case —

No. 1598 of 31/5/35 to the Nagabhatla the petitioner forwarding Copy of the above for information.

No 1599 of 31/5/35 to the Inspector Coorg forwarding for his information Copy of the decision received in the case 44) Kunhavalli Gopalaiya, pet. in P.W.D. II, has no interest of Connection with the Appeal filed by Nagabhatla (P.W.D. I), except that he was a tenant under the latter. Now that Nagabhatla's Appeal has been disposed of, it is for each if any Ends is necessary to the pet. in P.W.D. II

GS 4.6.35 45) Please cancel 6/6

Personally called & Obtained as above — GS

Dft. sent —
G.S. 12.6.35 — Jc 13/6

8 No 1665 of 17.6.35 to the Kunhavalli Gopalaiya of Kunhavalli — Tellicherry stating that there are no reasons

TYPING SECTION 13 JUN 1935 GENL & REV SECTT.

NOTE—Contn Sheet

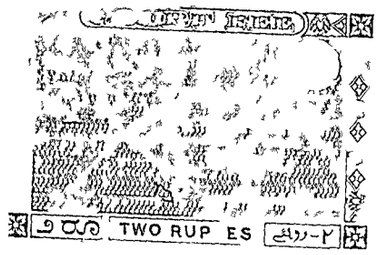
WD 01955—G.P.—22,500 -12 6-34

12)

Mug File No. 268 of 193 3 | General

to intercede with the orders passed by the Mysore Commissioner in the Matter - No 1666 dy 17-6-35 to the Advocate for the petitioner B 25-6-35

No 1667 dy 17-6-35 to the Mysore Commissioner - forwarding Copy of the above in continuation of memo No 1599 dy 31-5-35



3

Rev 268-33-1.

BEFORE THE GOVERNMENT OF His Highness THE MAHARAJA

OF MYSORE, BANGALORE.

(Huzrat Branch)

Huz: Appeal Number 35 of 1933 - 34.

Presented by Mr. Y. Radhakrishna Rao Clerk of Mr. Venkatasubba Rao Advocate. 12/5/34

Appellant :- Nagabhatta, residing at Sringeri.

Versus.

Respondent :- Government.

**** *

The appellant abovenamed begs to prefer this appeal against order of the Huzrat Commissioner in D1 Dis 105/33-34 dated 27-4-1934 sanctioning the recommendation of the Deputy Commissioner, Shimoga District to sell the lease right of the Inam lands, S. No.12 and 13 of Kelukere Village granted to Sri Venkataramanaswamy Temple at Melige in Thirthahalli taluk for a period of 10 years with the bid of Rs 450/- offered by the appellant as the highest bid for the following among other reasons. The order appealed against is herein enclosed.

FACTS OF THE CASE.

(1) The Garden lands i.e. Survey Nos. 12 & 13 Kelukere Village measuring 9-34 and assessment Rs 109/- were in the possession of [illegible] in the year 1878 were leased out on Kuthgeni tenure. This Inam right was sold for consideration of Rs 2,000/- to Dasappa (appellant's paternal uncle) through whom the appellant claims.

2. The temple and the Inam endowments were taken under Government management as per G.O. No. 192 -3 Inam . F. 15-08-6 dated 16-7-1910 and the appellant's uncle (Bistabouttu) was [illegible] of the lands . On his complaint the Govt. after duly taking into consideration the correct position of the facts at the time of the transfer & any enormous costs incurred by the Incum. or as directed in their order No 321 Inam 282 -10-9 dated 1-6-1913 the lands were ordered to be restored to the said Bistab Bhatta for 20 years on an annual lease of Rs 275/- and also the lease could be either cancelled or renewed to run for another period.

3. At the expiry of the lease period, one [illegible] had to auction and Venjappa the appellant's predecessor who had been cultivating the lands obtained a bid of 66 ¾ rounds of areca per year. On the appellant's representation the accounts were examined and the appellant was made to give a bid of Rs 450/- as annual gross rent to the Inam and a bond for the same was executed by the tenant.

4. On the death of Venkatramana's predecessor the appellant's father applied for the renewal of the lease but the application was rejected by the Commissioner. Hence the appeal.

[illegible]

1. [illegible] Government's proceedings.

recommendation and the Muzrai Commissioner 's sanction are against the spirit of the Government order dated 1st August 1913 as there is a direction in the unmistakable terms to further lease out the lands to the appellant alone.

2. The fact that higher bid offered is entirely due to the improvement made by the appellant at enormous cost during the 20 years lease has been lost sight of by the District Muzrai Officer nor was the petitioner given a hearing in the Muzrai Commissioner 's Office before passing final orders were passed.

3. Whether the lease should have been renewed for Rs 275/- alone in favour of the appellant as per above Government order the higher offer of Rs 450/- made by the appellant though under influences and promises should have been considered as more than sufficient than warranted under the circumstances.

4. The higher offer of 66 and odd maunds of areca offered by the appellant's own ryot Manjappa is due to ill-will and the instigation of the Local Officers and other enemies of the appellant. Considering the present market value for areca this offer is not appreciably higher than the appellant's offer.

5. The present condition of the lands is entirely due to the appellant's labours and a large outlay invested thereon. Apart from the Government order the appellant is entitled to preferential treatment on grounds of equity.

Wherefore the appellant prays that the connected

-records

[illegible] should be called for and perused and the [illegible] of [illegible] be continued to [illegible] of [illegible] years of these [illegible] for an offer of Rs 40/-.

[illegible]

[illegible]

[illegible]

Yours faithfully,

1617/Mag 258-33-2 f. 6-6-34.

Forwarded with compliments to the Magazine Commissioner for favour of submitting records connected with the case.

34 asst

for financial Secretary to Govt

SS

EIGHT ANNAS

Order of the Muzrai Commissioner in Mysore

Reference:

+7.

Government order No. 321/Muz 282 10-9 dated 1st August 1913 sanctioning the lease of the marginally noted inam lands in Kelakere

Survey No.	Extent A G	Assessment Rs	
12 (Garden)	6-18	64-0-0	belonging to Sri Venkataramana-swamy temple at Melige, Thirthahalli Taluk
13 (-do-)	3-3	45-0-0	
(wet)	0-13		
		109-0-0	

for a period of 20 years @ Bhishtabhatta on an annual quitta of Rs 27 s/

2) Correspondence ending with letter No. Muz Ic 167 s/3233 dated 8th January 193 from the Deputy commissioner Shimoga District requesting sanction consequent on the expiry of the term of the lease, sanctioned in the above order @ the sale in Public auction of the lease right of the lands for a period of ten years with the bid of Rs 45 s/- offered by Nagabhatta nephew of the previous lessee, as the initial bid

Order No. 1, Dis 165/3334 dt 27-1 1934

Sanctioned.

(Sd) N. Madhava Rao
Muzrai Commissioner

ready on

delivered on

No. of words 120

Copying fees 0-4-0

Comparing " 0-1-0

Total 0-5-0

G. Ramachandra Rao
Manager
Mlle: Comms

Copied by H. Hanumanthiah.

Compared by S. Jayaramaiah

7

ಎರಡು ರೂ TWO RUPEES ಎರಡು-೪

Government ಕೋರ್ಟಿಗೆ.

1933 — 34ನೇ Misc Appeal ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್.

ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್

Naga Bhatta } Vs. { Government

Mr M. Narayana Rao M.A. B.L and
ಮಾ|| ರಾ|| ಆರ್. ವೆಂಕಟಸುಬ್ಬಯ್ಯ, B A., LL.B, ಅಡ್ವೋಕೇಟ್, ಯವರಿಗೆ
Appellant ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೂಖರ್ದವೆಯಲ್ಲಿ ತಾವು ನನ್ನ ವರವಾಗಿ ಆಪೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನವರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ರೀಫಂಡು ಸ್ಟಾಂಪು ಮೊಬಲಗು ದಸ್ತ್ಯೆವಜು ವಗೈರೆಗಳನ್ನು ವಾವಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ನನಗಾಗಿ ನೀವು ಮಾಡಬಹುದಾದ ಎಲ್ಲಾ ಕೋರ್ಟು ಖರ್ಚುಗಳಿಗೂ ಮತ್ತು ನನ್ನಿಂದ ನಿಮಗೆ ಸಲ್ಲಬೇಕಾದ ಬಾಕಿ ಫೀಜಿಗೂ ನಾನು ಬದ್ಧನಾಗಿರುವುದಲ್ಲದೆ, ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತಾವ ಆಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ದನಾಗಿ ಇಧೇನೆ.

ರುಜು Naga Bhatta

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷನು ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ತಾರೀಖು 12/67 1934

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇಧೇನೆ

R Narasimha Murthy
Advocate
12/5/34

ಟರ್ನರ್ಪ್ರೆಸ್ ಬೆಂಗಳೂರು ಸಿಟಿ.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Ft. 1618 Dated, Bangalore, 6th June 1934

Mes 268-33-3

From

The Financial Secretary to the Government of His Highness,
the Maharaja of Mysore.

Messrs.
Narayana Rao, M.A., B.L.,
R. Venkatasubbaiya, B.A., LL.B.,
Advocates, Bangalore City.

Dear Sirs,

With reference to petition dated 12th May 1934, - - filed by you on behalf of Nagabhatta in respect of the sale of the lease of inam lands D.Nos. 12 and 13 of Kelukor village endowed to Sri Venkataramanaswami temple at Heliga Thirthahalli, I am directed to inform you that a separate petition duly stamped is necessary in respect of the stay of Muzrai Commissioner's order prayed for in the last para of the petition under advertance.

Yours faithfully,

6/6/34

Financial Secretary to Government.

1619 6-6-34

Copy to Mr. Nagabhatta, residing at Sringeri.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Mis.

File No.

Serial No.

Bonds.

Diary No. of letter replied to ....

No. 1618

To

Chittoor.

Messrs M. Nirangana Rao M.A.B.L.
R. Venkatasubbaiah B.A. B.L.
Advocates Bangalore City

General and Revenue Secretariat

( )

the *193* .

Date of issue 6/6/34

Signed by K.V. Krishnaswami
Dy Sy

Dear Sirs

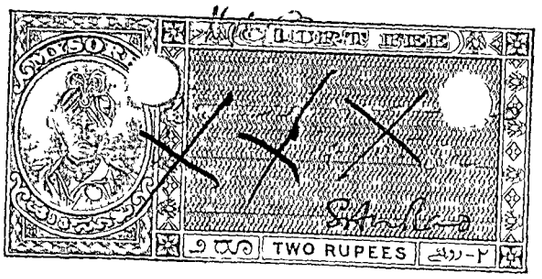
With reference to the petition filed by you on
behalf of Nagabhatta, in respect of
the sale of
the lease of Inam lands, S. No.
1 & 2 & 12 of Kalikiri village
conveyed to Sri Venkatachalapathi
Swami temple at Kalikiri. I am
directed to inform you
that a separate fee in duly
stamped is necessary &

List of enclosures.....

Copied by.....

Examined by.....

WD 0253—GPB—15,000—26-8-32



GENL. & REV. SECRETARIAT
1345
15 JUN. 1934
MISC. BRANCH

23

Mez 268-34 4.

Before the Government of Mysore at Bangalore.

Muz. appeal No. 35 of 33-34.

Appellant:- Kuntavalli Gopaliah,
residing at Kuntavalli,
Muthur Hobli, Thirthahalli Taluk

In the matter of the sale of the lease - rights of the inam lands of Survey Numbers 12 and 13 of Kelahere village belonging to the Sri Venkataramanaswami Temple at Melige, Thirthahalli Taluk.

Under Section 38 cl (?) and 39 of the Mysore Religious and Charitable regulation the appellant petitioner begs to prefer the following appeal - against the order of the learned Muzrai Commissioner (a certified copy of which is herewith - filed) directing the sale of lease rights of the abovesaid temple inam lands for the following among other reasons:-

Facts of the case:-

That the appellant petitioner has been actually cultivating the abovesaid inam lands for the last 17 years in respect of survey no. 12 and for the last 7 years in respect of s.no.13 and the lands have been leased out by the Government only nominally in favour of Bhistabhatta, uncle of Nagabhatta. The appellant

petitioner has been in actual possession and enjoyment of the said inam lands as lessee under - Bhistabhatta and his nephew Nagabhatta.

2. The appellant petitioner entirely depends on the cultivation of abovesaid inam lands for the livelihood of himself and large family, and he has no other sources of income.

3. The appellant has improved the abovesaid inam lands at great expense and trouble by clearing the jungle and by planting thousands of trees and bringing the entire land under cultivation.

4. The appellant has spent more than Rs.200/- in improving the land. The abovesaid inam lands are improved and brought under cultivation and trees were planted by the appellant at considerable expense and trouble only in the hope that this lease would continue for a long time and that he would - eventually reap the fruits of his toil.

5. The appellant now understands that the Government intends the selling of the lease rights of the abovesaid inam lands by auction starting with an intial bid of Rs.450/- offered by Nagabhatta.

6. The appellant submits that this alleged bid of Rs.450/- offered by Nagabhatta is only for purposes of unhealthy competition and out of ill - feelings between the appellant and himself and to harass the appellant and to deprive him altogether of the lands cultivated by him. The trees planted by the appellant in the abovesaid lands and the - lands themselves are commencing to be fruitful to

to the appellant and it is the object of Paga-
bhatta and others to deprive him of the abovesaid
advantages and profits and to cause irreparable -
loss and damages to him.

7) In the abovesaid circumstances and in the interests of justice and equity it is only but fair that the appellant should himself be granted a - further ~~exclusive~~ long lease of the abovesaid inam lands and that the lease rights should not be auctioned in the manner directed by the learned Muzrai Commissioner in his order as otherwise the matter will lead to very unhealthy competition and party feelings in the village and neither the interests of the temple nor that of the parties will be advanced thereby.

8) The appellant came to know of the order of the learned Muzrai Commissioner about the 10th of May 1934 when he was informed that the lease rights would be sold by public auction immediately. Thereafter he made enquiries in the matter and caused a copy of the order of the Muzrai Commissioner to be taken and he has filed this appeal.

a. The appellant had not received any endorsement or information in the matter prior to that. Hence this appeal is quite in time. ~~This appeal is quite in time~~. 9) That the appellant is prepreared to continue for any length of time as lessee of the abovesaid inam lands and is quite prepared to pay the originally fixed rent of Rs.275/- per annum. The appellant is also prepared to abide by any other reasonable terms that this Hon'ble Court may be pleased to impose on him in the matter.

10) The appellant also learns that Nagabhatta referred to above has also filed an appeal before this Hon'ble Court in the same matter and if this Hon'ble Court is so pleased, both these two appeals may be heard together.

11) In the light of the abovesaid circumstances the appellant submits that this Hon'ble Court should be pleased to hear his counsel before passing any final orders. 12) The address of the appellant for purposes of all communication is c/o G. Srinivasa Rao, B.A.,LL.B., Advocate, Balepet, Bangalore city.

Grounds of appeal.

1. The learned Mysore Commissioner erred in disposing of the matter as ex-parte and in not affording any opportunity to any of the parties concerned or interested in the matter to be heard in support of their contentions.

2. The learned Mysore Commissioner erred in holding that the life rights of the inam lands should be sold in public auction with an initial bid of Rs.450/- alleged to have been offered by Nagabhatta.

3. The learned Mysore Commissioner has erred in failing to consider that the alleged offer of Nagabhatta was not bona-fide and that it had been made only for purposes of unhealthy competition and to deprive the appellant of the said inam lands and the fruits of the appellant's toil in respect of the abovesaid inam lands and improvement effected

4. The learned Mysore Commissioner has -

has erred in entirely ignoring the claims of the appellant to continue to be the lessee under any reasonable terms that may be imposed on him and of the fact that deprivation of the lands in question would mean the ruin of the ~~original~~ appellant.

5. The learned Muzrai Commissioner erred in failing to consider that the proceedure of the sale of the lease rights by public auction would only cause very unhealthy competition between the parties and - loss to the temple institution itself and all other - parties and that it is only proper and equitable to lease out the lands to the appellant himself after fixing up reasonable conditions.

6. The order of the learned Muzrai commissioner is otherwise against law, equity, proceedure and circumstances of the case and will work irreparable hardship on the appellant if not set aside by this Hon'ble Court.

7. Therefore the appellant prays that this Hon'ble H Court may be pleased to allow this appeal to set aside the order of the learned Muzrai Commissioner and to grant a long lease of the above said inam lands to the appellant himself at the same rent of Rs. 275/- per annum or after imposing any other - reasonable conditions in respect of the latter. and also to further issue a stay order during the pendency of the proceedings. K. Sreenivasa Rao Advocate for

Bangalore,
14th June 1954.

Appellant

33-34

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JUL 10 Mes 268-33-5 9 : 13.7-34

Forwarded with compliments to the Commissioner for favour of a report, of this office Memo no 1617 dated 6.6.19

By order
12/7/34
For [illegible]

no
10/7/34

C.S.(1)33-34
12-7-34

Memo

Forwarded with compliments to the Deputy Commissioner, Shimoga, DC, in continuation of this office memo no C. 1554/33-34 dated 15-6-34, with the request that the connected records together with your report on the points raised in the petitions may be submitted to this office at a very early date. The petition should be returned with the report

For Migrat Commissioner
19/7
20/7

D-5-
D map
24-7-
Mury
JBo

Cf 1033
25/7

Order of the Mysore Commissioner in Mysore.

Reference: —

1 Government order No. 321/Rev 252-10-9 dated 1st August 1913 sanctioning the lease of the marginally noted inam lands in Kelakere village belonging to Sri Venkataramana-swamy temple at Kelige, Hirihalli Taluk for a period of 20 years @ Rish Kalshatta on an annual rental of Rs 275/-

2 Correspondence ending with (1) Rev: I C 1675/32-33, dated 5th January 1934 from the Deputy Commissioner, Shimoga District requesting sanction consequent on the expiry of the term of the lease sanctioned in the above order to the sale in public auction of the lease right of the lands for a period of 10 years with the bid of Rs 450/- offered by Nagalkalla, nephew of the previous lessee, as the initial bid.

Order No. D, Dis 165/33-34
Dated 27-1-34

Sanctioned.

Sd/ N Krishnarao
Rev: Commissioner

Copy applied for by Dr. Srinivasa Rao on 26/4/34
Copy ready on 30-5-34
Sent on 13-6-34

N° Brussels 100
Cat. No. for 0-4-0
Cab. No. 1

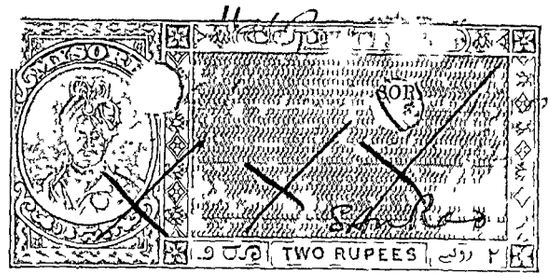
Tabel 0-5-0

Copied by S. Freyermuth
Compared by [illegible]

"Copy"

[illegible]
Manager,
Wm Cramp & Sons.

GIRMAJI SREENIVASA RAO B.A.,LL.B.,
ADVOCATE



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~~In the Court of the~~ Before the Civil

Mysore at BANGALORE.

Misc Appeal No of 1933-34

~~Plaintiff.~~ | ~~Defendant~~

Athelean
Gopalarath

I the Athelean, the above named do hereby appoint and retain GIRMAJI SREENIVASA RAO, ESQ, B.A.LL.B., Advocate, to appear for me in the above Appeal Memo and to conduct, and prosecute or defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I empower my Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of document and draw any moneys that might be payable to me in the said suit or matter. And I undertake to ratify and confirm all legal acts done or caused to be done by my said Advocate in the case by virtue of these presents.

Accepted.
G. Sreenivasa Rao
Advocate.

Appellant
14/6/34

The Address for Service of the said Advocate is, Balepet Bangalore City.

Signed by the Executant who is known to me in my presence

G. Sreenivasa Rao
Advocate

The Daily Post, Bangalore

54 Encl 3
33-34

OFFICE OF THE MU … COMMISSIONER
IN M … ORE.

27 AUG 1934
MUZRAI BR
CH

Dated, Bangalore, 22

Mus 268 33 6

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FROM

N. MADHAVA RAO, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Secretary to the Government of His Highness
the Maharaja of Mysore,
Department.

R I 2578

SIR,

N Madhava Rao

Letter No.Muz.1.C.2306/33-34 dated 11-6-1934 from the Deputy Commissioner, Shimoga District, to the Huzrat Commissioner at Mysore.

With reference to your official memorandum No.1754/Survey-1/33-34 dated 23.7.1934 forwarding for report with records, the revised estimate of the Coppalich and Gringeri Kalhatte and the lease of the land in Sy.Nos. 1 and 18 of Kikkeri village belonging to the Government Veligge in the Tirthahalli Taluk, I have the honour to state that the sanction given in this office letter No.Muz.C.2306/33-34 dated 7-12-1933 has been sanctioned by you in your order No.Muz.Dis.Dis/33-34 dated 24.3.1934.

In accordance with this order the lease might have been executed in favour of Mr. Venkatramaiah stating the highest bidder for Rs.1,175/- per annum. Mr. Venkatramaiah's advance rent was however directed to be taken from him. He also executed a kabala agreeing to other terms.

It is seen from the remarks that Kunt Valli Coppalich, Mavinakatte and the site of the selected portion of land to be leased are not clearly shown in order the lessee Nagabhatta.

The connected two files and a sketch of the proposed portions are sent herewith.

"C O P Y"

Ramanna

For Huzrat Commissioner.

BBz

Before the Government of His Highness the ~~Maharaja of Mysore~~.

Muzrai Appeal No. 35 of 1933-34.

Petitioner.

Nagabhatta residing at Sringeri.

Subject.

Appeal against the orders of the Muzrai Commissioner sanctioning the sale of the lease right of Inam lands S.Nos. 12 and 13 of Kelkere village endowed to the temple of Sri Venkataramanaswamy at Holige, Thirthahalli Taluk for a period of 10 years.

The case was called on Saturday the 25th May 1935 Mr. M. Narayana Rao, M.A., B.L., Advocate for the petitioner was present and was heard.

Order No.

Bangalore, dated 30th May 1935.

Government decline to interfere with the orders passed by the Muzrai Commissioner.

1597/Muz 268-33-7 & 31-5-35
Copy to Mr. M. Narayana Rao M.A. B.L. Advocate for the petitioner.

By order
Sd. K. V. Anantharaman
Chief Secretary to Gov.

1598/Muz ~~268-33~~ & 31-5-35
Copy to Naga Bhatta residing at Sringeri.

By order
1599 Enc 1+3 files. Sd. K.V. Anantharaman
Copy of the above is forwarded with compliments to the Muzrai Commissioner for his records 31-5-35 Chief Secretary to Gov
Received with his letter No 1554/33-36

22-8-1934

pp. 35

By order

For Chief Secretary

Muz. 21]

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Before the Government of His Highness the Maharaja of Mysore.

Muz Appeal No. 35 of 1933-34

~~Appellant~~. Petitioner ~~Vs.~~ ~~Respondent~~

Nagabhatta residing at Seringeri

Subject.

Appeal against the order of the M.C. sanctioning the Sale of the right of Inam lands S. Nos 12 & 13 of Kelk village, the property of the lease ~~sale of S. Nos 12 and 13 of Inam lands~~ endowed to the temple of Sri Venkataramana Swami at Melige Tq Tarikere Tq for a period of 10 years.

The case was called on Saturday the 25th May 1935 Mr M. Narayana Rao M.A. B.L Advocate for the petitioner was present and was heard

order

Govt decline to interfere with the order passed by the M.C.

WD 0580—GPB—250—10-8-22

Copy to Mr. M. Narayana Rao

for the Secretariat for information.

(51)

B.O

2/7/15

for Chief Secretary

1598 dt 31-5-35

Copy to the Nagarbhakta resident at Srinagar

(B.O

2/7/15

for Chief Secretary

1599 Mrs. de [illegible] files: dt 31-5-35

Copy to M.C returning records received with

his letter No 1534/33-34 dt 22/8/35

B.O

2/7/15

for Chief Secretary.

Appendix F. G.–1]

SUBJECT.....

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Section Mis3

File No 268-33

Serial No. 8

Diary No. of letter replied to.....

No. 1665–

To

Mr Kumbavalli Gopalaiya

residing at Kumbavalli

Muthur Hobli Tirthahalli Tk

General and Revenue Secretariat.

( )

the 193 .

Date of issue 17-6-34

Paid ₹ 11

Signed by Mysore Government Officer

Lrtr rcpt w/his pet^n dt 14.6.34 re: the sale of the lease rights of the Inam lands – S. Nos 12 & 13 of Kelakere village belonging to the temple of Sri Venkataramana Swami Deva at Melige. Tirthahalli Tk, the Kumbavalli Gopalaiya is informed that there are no reasons to interfere with the order passed by the M. C. on the petition.

AC

RS

B O

13/6

List of enclosures.....

Copied by .....

Examined by .....

Tahsildar

P.T.O.

17 — 6 — 35 —

Copy to Mr. Giriraj Sivadasa Rao
BA-LLB. Advocate. Bangalore city
for information.

BO

Forest Sec

G.C
17/6/35

1667/Mag 17-6-35
Copy forwarded

with Compliments to the
Mysore Commr. in continuation
of this Office Memo No:
1599 (X) / Mag 268-33 dt 31.5.35

P.T.O

For Chief Secy.

Pl
17/6.

38 pag